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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,793	11/26/2003	Jung S. Moon	0807.68722	7220

7590 05/08/2007
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Chicago, IL 60606

EXAMINER

SIMONE, TIMOTHY F

ART UNIT	PAPER NUMBER
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1761

MAIL DATE	DELIVERY MODE
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05/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/722,793

Applicant(s)

MOON ET AL.

Examiner

Timothy F. Simone

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3-9, and 11-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In the claims, for example, there is no support in the original disclosure for “*coffee bean* deflector” (claim 1, line 12; claim 9, line 12), “*exhaust* opening” (claim 15, line 5), “while preventing coffee beans and chaff from escaping therethrough” (claim 15, lines 6-7). This is a new matter rejection.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-9, and 11-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1 and 9, for example, it is not clear what is meant by the airflow “exiting” the wind tunnel, since it is recited that the airflow merely “passes through” the wind tunnel. Also, in claim 15, it is unclear how the

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vent attachment is configured and adapted to be removably connected to an elongated vent pipe. Clarification is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-9, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatanaka, et al. (JP 04023976 A) in view of Gerhardt, et al. (US 6,053,093). Hatanaka, et al. discloses a roaster for roasting coffee beans (Fig. 1) including a roasting chamber (14) having a top and a bottom, a cover (15) seated on the top of the roasting chamber, a base (e.g., the structure containing parts 2 and 3) on which the bottom of the roasting chamber (13) is seated, a fan (3) provided in the base for supplying hot airflow into the roasting chamber for heating coffee beans, at least one air opening (7) formed on the bottom for enabling the airflow to enter the roasting chamber, and a wind tunnel (13) provided over the at least one air opening and having an inlet and an outlet for increasing the speed of the airflow in the roasting chamber as the airflow passes through the wind tunnel. The patent to Gerhardt, et al. discloses that it is well known in the art to have a deflector (32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the coffee roaster of Hatanaka, et al. with a deflector in the manner suggested by Gerhardt, et al.

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in order to deflect coffee beans carried by the airflow passing through the wind tunnel, if desired. The specific location of the deflector being nothing more than a matter of design choice, since it appears that the invention would perform equally well. Also, the recitation "coffee bean deflector" is merely a recitation of intended use and it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art product satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatanaka, et al. (JP 04023976 A) in view of Helman, et al. (US 6,460,451). Regarding claim 15, Hatanaka, et al. discloses a roaster for roasting coffee beans including a roasting chamber (14), a fan (3) for supplying heated airflow into the roasting chamber, a cover (15) seated on top of the roasting chamber, at least one opening (e.g., at the uppermost end) provided on the cover and capable of allowing smoke from the roasting chamber to exit therefrom, and structure (16) capable of functioning as a smoke vent attachment removably mounted on the cover for receiving smoke exiting through the at least one opening on the cover, the vent attachment being configured and adapted to be removably connected to an elongated vent pipe for channeling the smoke away from the roaster (e.g., a cylindrical pipe having an inner diameter that is the same as the outer diameter of part 16). The patent to Helman, et al. has been further cited to teach a structure capable of functioning as a smoke vent attachment (178) removably mounted on a cover (20) which could receive smoke exiting through an opening on the

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cover wherein the vent attachment (178) being configured and adapted to be removably connected to an elongated vent pipe (i.e. 186). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the roaster of Hatanaka, et al. with vent structure in the manner suggested by Helman, et al. in order to channel smoke from the roaster, if desired. Further, it would have been an obvious matter of design choice to have a plurality of feet for engaging corresponding plurality of mounting holes formed on the cover and the specific smoke vent attachment as set forth in the claims, since applicant has not disclosed that such a design choice solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well. The recitations "while preventing coffee beans and chaff from escaping therethrough" is merely a recitation of intended use and it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art product satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

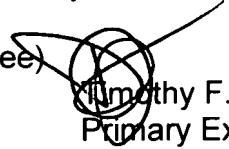
Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy F. Simone whose telephone number is 571-272-1407. The examiner can normally be reached on weekdays between 8:00am-5:00pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)



Timothy F. Simone
Primary Examiner
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